

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TIMM GRANDVIEW, LLC, a Nebraska  
Limited Liability Company;

Plaintiff,

vs.

AMGUARD INSURANCE COMPANY, a  
Pennsylvania Company; and  
WESTGUARD INSURANCE  
COMPANY, a Pennsylvania company;

Defendants.

**8:20CV197**

**AMENDED PROGRESSION ORDER**

This case is before the court the parties' joint motion to extend certain deadlines, (Filing No. 107). In their motion, the parties indicate that they plan to mediate this case on September 13, 2021. And, given their scheduled mediation as well as their pending discovery motion (Filing No. 104), they need more time to complete certain depositions in this case and to prepare and file dispositive motions.

This case has been plagued by Defendants' delays and resistance to discovery. While those issues have predominantly affected written discovery, it appears the disputes may have impacted the deposition schedule. As has been detailed in past discovery orders, the court's patience with discovery delays has reached its outer limits. That said, if the parties are now willing to discuss settlement in earnest,<sup>1</sup> the court will grant a brief extension to accommodate those discussions.

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<sup>1</sup> A stated interest in alternative dispute resolution cannot be used as a ploy to receive extensions of discovery deadlines. Having granted the parties' request for an extension, the court expects all parties to approach the process with a true intent to compromise toward resolution.

Accordingly, IT IS ORDERED that the parties' motion (Filing No. 107) is granted as follows:

- 1) The deposition deadline is extended to October 15, 2021 and will not be subsequently extended absent a substantial showing of good cause. The parties are directed to immediately schedule the depositions of Nona Loftus and Michael Averill to occur after the mediation scheduled for September 13, 2021 and before the October 15, 2021 deposition deadline so that if this case does not settle, the remaining depositions can be promptly and timely taken.
- 2) The deadline for filing motions to dismiss, motions for summary judgment, and motions to exclude testimony on *Daubert* and related grounds is extended to November 15, 2021. It will not be extended absent a substantial showing of good cause.
- 3) The parties are directed to contact the chambers of the undersigned magistrate judge within ten days of their scheduled mediation to alert the court to the outcome of those efforts. The Clerk shall set an internal case management deadline for September 23, 2021.

Dated this 2nd day of September, 2021.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge